UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VICTOR ANDREWS, on behalf of himself and all others similarly situated, Plaintiff, – against – BLICK ART MATERIALS, LLC, Defendant.	MEMORANDUM ON THE COURT'S PREPARATION IN ANTICIPATION OF THE SCIENCE DAY HEARING 17-CV-767

JACK B. WEINSTEIN, Senior United States District Judge:

The court has scheduled a "Science Day" hearing to be held on October 18 and 19, 2017. *See* ECF No. 25. The purpose of the Science Day is for the court to learn about technology relevant to the case. In anticipation of this hearing, the court has begun its own research on some of the technical issues which may be raised with respect to blind people using the Internet for purchases and related matters. *See Andrews v. Blick Art Materials, LLC*, 2017 WL 3278898 (E.D.N.Y. Aug. 1, 2017).

Pursuant to good practice, when a court engages in such independent research, it should keep the parties fully informed.

> "In [non-jury settings], . . . conferences can be used to allow the court to instruct itself from outside sources, and rules such as those limiting access to treatises have little applicability. What is vital, however, even in a bench trial, is that the parties be made aware of what information the judge is using and that they be given time to submit information to meet what they consider to be unreliable data."

See Margaret A. Berger, et al., *Evidence Manual Student Edition* § 4.02, at 4-6 (9th ed. 2011.
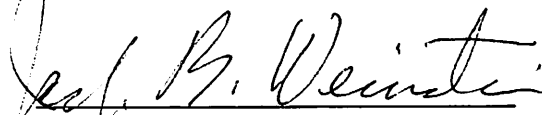
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The knowledge gained through this independent investigation is expected to aid in the efficient resolution of the case. It will help enable the court to more fully engage with the experts and materials the parties present.

Thus far, the court has collected the following articles, papers, and abstracts for study:

1. Ravi Kuber, Wai Yu, and M. Sile O'Modhrain, *Evaluation of Haptic HTML Mappings Derived from a Novel Methodology*, ACM TRANSACTIONS ON ACCESSIBLE COMPUTING, Vol. 3, No. 4, Art. No. 12 (Apr. 2011)

2. Stéphanie Giraud, Pierre Thérousanne, and Dirk D. Steiner, *Conceptualization of a technical solution for web navigation of visually impaired people*, IHM '15 Proceedings of the 27th Conference on l'Interaction Homme-Machine, Art. No. 24 (Oct. 27, 2015)

3. Andrii Soviak, *Haptic Gloves for Audio-Tactile Web Accessibility*, W4A '15 Proceedings of the 12th Web for All Conference, Art. No. 40 (May 18, 2015)

4. Kirk Norman, Yevgeniy Arber, and Ravi Kuber, *How Accessible is the Process of Web Interface Design?*, ASSETS '13 Proceedings of the 15th International ACM SIGACCESS Conference on Computers and Accessibility, Art. No. 51 (Oct. 21, 2013)

5. Roberto Manduchi and James Coughlan, *(Computer) Vision Without Sight*, 55 COMMUNICATIONS OF THE ACM 1, 96-104 (Jan. 2012)

6. Andreas Hub, Tim Hartter, and Thomas Ertl, *Interactive Tracking of Movable Objects for the Blind on the Basis of Environmental Models and Perception-Oriented Object Recognition Methods*, ASSETS '06 Proceedings of the 8th international ACM SIGACCESS conference on Computers and accessibility, 111-18 (Oct. 23, 2006)

7. Jeffrey P. Bigham, Craig M. Prince, Sangyun Hahn, and Richard E. Ladner, *WebAnywhere: A Screen Reading Interface for the Web on Any Computer*, W4A '08 Proceedings of the 2008 international cross-disciplinary conference on Web accessibility (W4A), 132-33 (Apr. 21, 2008)

8. Jeffrey P. Bigham, et al., *VizWiz: Nearly Real-time Answers to Visual Questions*, UIST '10 Proceedings of the 23nd annual ACM symposium on User interface software and technology, 333-42 (Oct. 3, 2010)

9. Leah Findlater, et al., *Supporting Everyday Activities for Persons with Visual Impairments Through Computer Vision-Augmented Touch*, ASSETS '15 Proceedings of the 17th International ACM SIGACCESS Conference on Computers & Accessibility, 383-84 (Oct. 26, 2015)

10. Vikas Ashok, Yury Puzis, Yevgen Borodin, and I.V. Ramakrishnan, *Web Screen Reading Automation Assistance Using Semantic Abstraction*, IUI '17 Proceedings of the 22nd International Conference on Intelligent User Interfaces, 407-18 (Mar. 7, 2017)

11. M. Claudia-Buzzi, Marina Buzzi, Barbara Leporini, and Caterina Senette, *Making Wikipedia Editing Easier for the Blind*, NordiCHI '08 Proceedings of the 5th Nordic conference on Human-computer interaction: building bridges, 423-26 (Oct. 20, 2008)

At the Science Day hearings, a party may dispute any of the information in these publications it believes to be unreliable. The court may take judicial notice of the "facts" contained in these publications for purposes of case administration. Fed. R. Evid. 201

SO ORDERED.

Jack B. Weinstein
Senior United States District Judge

Date: August 24, 2017
        Brooklyn, New York